

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOBIEY G. BAKER,

Defendant.

**CR-14-27-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 20, 2018. (Doc. 54.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 13, 2018. (Doc. 53.) The United States accused Defendant Scobey G. Baker (“Baker”) of violating his conditions of supervised release by 1) committing another crime, and 2) failing to complete sex offender treatment. (Doc. 54 at 1.) Baker admitted to the violations. *Id.* The violations prove serious and warrant revocation of Baker’s supervised release.

Judge Johnston has recommended that the Court revoke Baker’s supervised release and commit Baker to the custody of the Bureau of Prisons for seven months. (Doc. 54 at 4.) Judge Johnston has recommended that Mr. Baker receive credit for the time he spent in tribal custody after his January 31, 2018, arrest on a federal warrant in this action. (Doc. 54 at 4.) Judge Johnston further has recommended that 53 months of supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston’s Findings and Recommendations. Baker’s violations represent a serious breach of the Court’s trust. A sentence custody of seven months is sufficient, but not greater than necessary. The court deems it appropriate, however, to impose 48 months of supervised release.

Accordingly, **IT IS ORDERED** that Judge Johnston’s Findings and Recommendations (Doc. 54) is **ADOPTED IN PART** and **REJECTED IN PART** in accordance with the above order.

**IT IS FURTHER ORDERED** that Defendant Scobey G. Baker is sentenced to custody for seven months, followed by 48 months supervised release. Mr. Baker shall receive credit toward this sentence for all the time he has been in custody since his January 31, 2018 arrest on the federal warrant in this action.

DATED this 13th day of March, 2018.



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Brian Morris  
United States District Court Judge